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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
GB Enterprises Communications, Corp.	)	File No.: EB-FIELDSCR-14-00017117
Owner of Antenna Structure No. 1241558	)	NOV No.: V201432700005
	)	
Winter Haven, Florida	)	
	)	

**NOTICE OF VIOLATION**

**Released: September 18, 2014**

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules) <sup>1</sup> to GB Enterprises Communications, Corp. (GB Enterprises), owner of antenna structure number 1241558 in Winter Haven, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>
2. On August 12, 2014, in response to a complaint from a helicopter pilot of a light outage, Commission employees unsuccessfully attempted to contact GB Enterprises. On the same day, they contacted the Federal Aviation Administration and found no active Notice to Airmen (NOTAM) in place. The FAA then issued a NOTAM for antenna structure number 1241558.
3. On August 22, 2014, agents of the Enforcement Bureau's Tampa Office inspected antenna structure number 1241558 and observed the following violations:
  - a. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part [s]hall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report.” At the time of inspection, the agents verified the light outage and that GB Enterprises had not reported the outage to the FAA. GB Enterprises informed the agents on August 18, 2014 that it was aware of the light outage, as the power had been disconnected due to non-payment.

- b. 47 C.F.R. § 17.51(a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” During the inspection, the agent observed that there was no electricity going to the antenna structure.
- c. 47 C.F.R. § 17.57: “The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” GB Enterprises failed to notify the Commission of a change in contact information for the structure.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, GB Enterprises Communications, Corp., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct GB Enterprises, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of GB Enterprises Communications, Corp., with personal knowledge of the representations provided in GB Enterprises’ response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the company’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Tampa District Office  
4010 W. Boy Scout Blvd., Suite 425  
Tampa, Florida 33607-5744

7. This Notice shall be sent to GB Enterprises Communications, Corp., at its address of record.

8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
District Director  
Tampa Office  
South Central Region

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).